



Mail Stop: Amendment
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

In re application of: David MORTON, et al.
Serial No.: 10/571,884 ✓
Filed: March 13, 2006
For: DRY POWDER COMPOSITION COMPRISING A BENZODIAZEPINE FOR PULMONARY INHALATION

Sir:

Transmitted herewith is a **Supplemental Information Disclosure Statement Under 37 CFR § 1.56** (2 pages) in the above-identified application.

- ☐ Small entity status under 37 C.F.R. 1.9 and 1.27 has been previously established.
- ☐ Applicants assert small entity status under 37 C.F.R. 1.9 and 1.27.
- ☒ No fee for additional claims is required.
- ☐ A filing fee for additional claims calculated as shown below, is required:

- ☒ Also transmitted herewith are:
 - ☐ Petition for month extension under 37 C.F.R. 1.136
 - ☒ Other: Form PTO 1449 (1 page); Appendix A.

- ☐ Check(s) in the amount of **\$0.00** is/are attached to cover:
 - ☐ Filing fee for additional claims under 37 C.F.R. 1.16
 - ☐ Petition for month extension under 37 C.F.R. 1.136
 - ☐ Other:

- ☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0552.
 - ☒ Any filing fee under 37 C.F.R. 1.16 for the presentation of additional claims which are not paid by check submitted herewith.
 - ☒ Any patent application processing fees under 37 C.F.R. 1.17.
 - ☒ Any petition fees for extension under 37 C.F.R. 1.136 which are not paid by check submitted herewith, and it is hereby requested that this be a petition for an automatic extension of time under 37 CFR 1.136.


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I hereby certify that this correspondence and/or documents referred to as attached therein and/or fee are being deposited with sufficient postage to the United States Postal Service as "first class mail" in an envelope addressed to "Mail Stop: Amendment; Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" on July 14, 2006.
DAVIDSON, DAVIDSON & KAPPEL, LLC

BY: 



478.1080

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re: Application of: David MORTON *et al.*
Serial No.: 10/571,884
Filed: March 13, 2006
For: **DRY POWDER COMPOSITION COMPRISING A
BENZODIAZEPINE FOR PULMONARY
INHALATION**

Mail Stop: Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

July 14, 2006

SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.56

Sir:

In accordance with the provisions of 37 C.F.R. § 1.97, Applicants hereby make of record the documents listed on the accompanying Form PTO-1449 (1 sheet) for consideration by the Examiner in connection with the examination of the above-identified patent application.

Applicants also respectfully advise the Examiner of the following co-pending U.S. patent applications and a granted patent, all of which are commonly assigned to the owners of the instant application:

U.S. Patent Application Serial No. 10/570,902, "Methods for Preparing Pharmaceutical Compositions," filed March 7, 2006;

U.S. Patent Application Serial No. 10/552,326, "Devices and Pharmaceutical Compositions for Enhancing Dosing Efficiency," filed March 20, 2006; and

U.S. Patent Application Serial No. 10/571,146, "Dry Powder Composition Comprising Co-jet Milled Particles for Pulmonary Inhalation," filed March 9, 2006.

Pursuant to 37 C.F.R. § 1.98 (a)(2)(iii), the Examiner's attention is directed to Appendix A, attached hereto, which contains the following:

- 1) Specification and pending claims of U.S. Patent Application Serial No. 10/570,902;
- 2) Specification and pending claims of U.S. Patent Application Serial No. 10/552,326;
and
- 3) Specification and pending claims of U.S. Patent Application Serial No. 10/571,146.

It is respectfully requested that the references cited in the accompanying Form PTO-1449 (1 sheet) be considered and made of record.

The present Information Disclosure Statement is filed under 37 C.F.R. §1.97(b), before the mailing of a first Office Action on the merits. Accordingly, it is believed that no fee is due. However, if it is determined that any fee is due, the Examiner is authorized to charge said fee to Attorney Deposit Account No. 50-0552.

Respectfully submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: _____

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FORM PTO-1449
(REV. 7-80)U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO.: 478.1080

SERIAL NO.: 10/571,884

LIST OF PRIOR ART CITED BY APPLICANT

(Use several sheets if necessary)

APPLICANT(S): David MORTON et al.

FILING DATE: March 13, 2006

GROUP:

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER							DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	6	4	7	5	5	2	3	11/05/02	Staniforth	424	070.100	
	AB	20	05	01	52	8	4	9	07/14/05	Staniforth	424	489	
	AC	20	03	01	85	7	6	4	10/02/03	Staniforth et al.	424	045	
	AD	20	03	01	75	2	1	4	09/18/03	Staniforth et al.	424	045	
	AE	20	03	01	65	4	3	6	09/04/03	Staniforth et al.	424	045	
	AF	20	03	01	62	8	3	5	08/28/03	Staniforth et al.	424	046	
	AG	20	04	00	37	7	8	5	02/26/04	Staniforth et al.	424	046	
	AH	20	04	00	71	6	3	5	04/15/04	Staniforth et al.	424	046	
	AI	20	04	00	47	8	1	0	03/11/04	Staniforth et al.	424	046	
	AJ												
	AK												
	AL												
	AM												
	AN												
	AO												
	AP												

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER							DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION	
													YES	NO
	AQ													

OTHER PRIOR ART (Including Author, Title, Date, Pertinent Pages, Etc.)

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EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.